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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/731,695
Filing Date: December 09, 2003
Appellant(s): MCAVOY, MICHAEL B.

Stephen E. Arnett
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/26/07 appealing from the Office action mailed 1/30/07

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5936318	Weiler et al	8/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

i) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

ii) Claims 1-7, 11, 12, 71-77 are rejected under 35 U.S.C. 102(b) as being anticpated by Weiler et al (5936318).

Regarding claim 1, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose a method for distributing electrical power to a plurality of electrical devices in a vehicle, the method comprising:

receiving at least a first operating command for at least one of the plurality of electrical devices (i.e. operator inputs an operating command for power consuming devices, a processor 27 receives the command for processing; col. 1, lines 50-55; col. 2, lines 1-43; col. 3, lines 45-51);

in response to receiving the operating command, polling the plurality of electrical devices for power requests (i.e. a controller 27 checks devices or monitors the load or power request from the devices; col. 5, lines 65 to col. 6, lines 1-21; col. 5, 33-49);

receiving at least one power request from the plurality of electrical devices in response to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21); and

distributing power to the electrical devices based on the at least one power request received from the plurality of electrical devices (col. 5, lines 65 to col. 6, lines 1-21).

Regarding claim 2, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a power request having a quantitative component and a qualitative component, wherein the qualitative component is different than the quantitative component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 3, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a power request having a quantitative load component and a qualitative need component, wherein the qualitative need component is different than the qualitative load component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 4, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a first power request from a first appliance and a second power request from a second appliance, wherein the first power request includes a first need component and the second power request includes a second need component, and wherein distributing power to the electrical devices includes distributing power to the first and second appliances based on a comparison of the first need component to the second need component (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 5, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein the plurality of electrical devices includes at least first and second aircraft galley

appliances (col. 2, lines 63-67), wherein receiving the at least one power request includes receiving a first power request from the first galley appliance and a second power request from the second galley appliance (col. 4, lines 19-38; col. 6, lines 38-51), wherein the method further comprises sorting the first and second power requests in descending order of need, and wherein distributing power to the plurality of electrical devices includes distributing power to the first and second galley appliances based on the sorting of the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 6, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1, further comprising receiving a preset allocation of electric power for distribution to the plurality of electrical devices, and wherein distributing power to the electrical devices includes distributing a total amount of power that does not exceed the preset allocation (col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 7, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command for at least one of the plurality of electrical devices includes receiving an operating command from a user via a display screen operably coupled to the at least one electrical device (col. 1, lines 46-55; col. 2, lines 33-44; col. 3, lines 38-51).

Regarding claim 11, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command includes receiving first and second operating commands, the first operating command corresponding to a first galley appliance on an aircraft and the second operating command corresponding to a second galley appliance on the aircraft (col. 2, lines 63-67; col. 3, lines 24-36).

Regarding claim 12, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command includes receiving an operating command from a user (col. 1, lines 45-55; col. 2, lines 28-43; col. 3, lines 38-51).

Regarding claim 71, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose a method for distributing electric power to a plurality of electrical devices in a vehicle, wherein the plurality of electrical devices includes at least first and second electrical devices operably connected to a controller, the method comprising:

receiving, at the controller, at least one operating command for at least one of the plurality of electrical devices (i.e. operator inputs an operating command for power consuming devices, a processor 27 receives the command for processing; col. 1, lines 50-55; col. 2, lines 1-43; col. 3, lines 45-51);

in response to receiving the operating command, sending a poll from the controller to the plurality of electrical devices for power requests (i.e. a controller 27 checks devices or monitors the load or power request from the devices; col. 5, lines 65 to col. 6, lines 1-21; col. 5, 33-49);

receiving, at the controller, a first power request from the first electrical device when the first electrical device responds to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21);

receiving, at the controller, a second power request from the second electrical device when the second electrical device responds to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21); and

distributing power to the first and second electrical devices based on the first and second power requests (col. 5, lines 65 to col. 6, lines 1-21).

Regarding claim 72, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71, further comprising sorting the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51), wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 73, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a first power request associated with a first request level, wherein receiving at the controller a second power request from the second electrical device includes receiving a second power request associated with a second request level, wherein the method further comprises sorting the first and second power requests based on request level, and wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 74, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a first power request associated with a first level of need, wherein receiving, at the controller, a second power request from the second electrical device includes receiving a second power request associated with a second level of need, wherein the method further

comprises sorting the first and second power requests based on level of need, and wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51)..

Regarding claim 75, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a power request having a quantitative component and a qualitative component, and wherein the qualitative component is different than the quantitative component. (col. 4, lines 19-38; col. 6, lines 38-51; (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 76, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a power request having a quantitative load component and a qualitative need component, and wherein the qualitative need component is different than the quantitative load component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 77, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, at least one operating command for at least one of the plurality of electrical devices includes receiving a user operating command from the at least one electrical device (col. 4, lines 19-38; col. 6, lines 38-51).

(10) Response to Argument

i) Applicant's arguments filed 10/26/07 have been fully considered but they are all not persuasive.

The 112 rejections have been dropped.

The applicant argues that the prior art does not disclose. "polling a plurality of electrical devices for power requests and receiving at least one power request from the plurality of electrical devices in response to the poll". The examiner respectfully disagrees and notes that *applicant appears to be arguing selectively polling electrical devices, but the claims do not preclude continuously polling electrical devices.* In the prior art, the processor continually measures (i.e. keeps continuous record of) the prevailing load from all the electrical devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-51. As clearly seen in fig. 2 of the prior art, a power control unit 27 communicates with a power allocation unit 11. The power allocation unit 11 distributes power to electrical devices 14 that consume power. A load sensor monitors the electrical power demands or requests from switches connected to the devices 14-18. When each one of the devices 14-18 are turned on each turned on device requests power. The unit 40 through the load sensor unit 43 monitors the power requests from each one of units 14-18. Units 27, 40, 43 together work cooperatively and know which one of the devices 14-18 is requesting power. Therefore, devices 27, 40, 43 are continually polling all the devices 14-18 for power request from each one of the devices 14-18. Based on the poll, the controller in the prior art decides which one of the electrical devices 14-18 will receive power through power allocation unit 11 according to priority and consumption loads encountered.

The operating command applicant is arguing about is interpreted in the prior art as the turning on of a switch in any one of the devices 14-18 thus requesting power for operation of any one of the devices.

The applicant argues that there is not *direct* communication between units 27 and units 14-18. It is noted that this line of argument is unnecessary since what is argued in not claimed. It is noted that units 27 and units 14-18 do communicate with each other.

The applicant further argues that the prior art does not disclose a qualitative and quantitative component. These terms are used by the applicant in the specification, pages 3, 4, 15, 25. These limitations are interpreted as a "request level".

It is further not clear what applicant is referring to by arguing about "first and second need components". These limitations make are not different from the prior art (col. 38-48) wherein priority is given to a first device and then to second device, and so forth based on need of efficient operation of the total power system in an aircraft.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ronnie Mancho

Conferees:

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Jack Keith

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